

No. 98
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, December 15, 2010.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Clark-Coleman—present
Clarke—excused
Cropsey—present
Garcia—present

George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Irma Clark-Coleman of the 3rd District offered the following invocation:

Father, Mother, God, we are gathered here today to complete the work of the people of the state of Michigan. Let us complete this work today, and let us complete it with compassion and dignity. I pray, God, that we will understand that the people in this state gave us an awesome charge, and we must honor that charge. Everything that we do here should be done with that in mind, understanding that it is for the least of us that we were put up here to take care of.

God, thank You so much for allowing me to serve these eight years in the Michigan State Senate. I am honored and humbled by that effect. Also, God, thank You, thank You, thank You for allowing me this day and the rest of us this day to travel up here to this body and to finish the work of the people.

I will end by saying, "The light of God surrounds me, the love of God enfolds me, the power of God protects me, and all is well." Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:03 a.m.

10:51 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senators Thomas, Brater, Gleason, Kuipers, Gilbert, Richardville, Garcia, Brown, Bishop, Allen, Jansen, Stamas, Pappageorge, Van Woerkom, Jelinek, Hardiman, George, Nofs, Birkholz, Cassis, Kahn and McManus entered the Senate Chamber.

A quorum of the Senate was present.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance to the Flag of Michigan*.

Motions and Communications

The following communications were received and read:

Office of the Auditor General

December 1, 2010

Enclosed is a copy of the following audit report:

Performance audit of the Clean Michigan Initiative, Environmental Protection Programs, administered by the Department of Natural Resources and Environment.

December 10, 2010

Enclosed is a copy of the following audit report:

Performance audit of Monroe County Community College.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communication was received:

Office of Children's Ombudsman

September 2010

In accordance with my statutory responsibility as the Children's Ombudsman, I respectfully submit the 2008/2009 Annual Report.

This report provides an overview of the activities of the Office of Children's Ombudsman from October 1, 2008 to September 30, 2009, and an analysis of the complaints received and investigated. In addition to the analysis are recommendations for positive change in the child welfare system to improve outcomes for children.

The Office of Children's Ombudsman appreciates the leadership and support of Governor Granholm, the Michigan Legislature, and the Department of Human Services. Thank you for the opportunity to serve the children of Michigan.

Respectfully,
Verlie M. Ruffin
Children's Ombudsman

The communication was referred to the Secretary for record.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolutions be postponed for today:

Senate Resolution No. 15

Senate Resolution No. 172

The motion prevailed.

Senator Thomas moved that Senator Olshove be temporarily excused from today's session.

The motion prevailed.

Senator Thomas moved that Senator Clarke be excused from today's session.

The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 7, for her approval the following bills:

Enrolled Senate Bill No. 713 at 11:20 a.m.

Enrolled Senate Bill No. 860 at 11:22 a.m.

Enrolled Senate Bill No. 1443 at 11:24 a.m.

Enrolled Senate Bill No. 216 at 11:26 a.m.

Enrolled Senate Bill No. 1003 at 11:28 a.m.

Enrolled Senate Bill No. 1234 at 11:30 a.m.

Enrolled Senate Bill No. 1235 at 11:32 a.m.

Enrolled Senate Bill No. 1345 at 11:34 a.m.

Enrolled Senate Bill No. 1346 at 11:36 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 8, for her approval the following bills:

Enrolled Senate Bill No. 1236 at 3:01 p.m.

Enrolled Senate Bill No. 1238 at 3:03 p.m.

Enrolled Senate Bill No. 1348 at 3:05 p.m.

Enrolled Senate Bill No. 1487 at 3:07 p.m.

Enrolled Senate Bill No. 1491 at 3:09 p.m.

Enrolled Senate Bill No. 1502 at 3:11 p.m.

Enrolled Senate Bill No. 1515 at 3:13 p.m.

Enrolled Senate Bill No. 276 at 3:15 p.m.

Enrolled Senate Bill No. 374 at 3:17 p.m.

Enrolled Senate Bill No. 1180 at 3:19 p.m.

Enrolled Senate Bill No. 1196 at 3:21 p.m.

Enrolled Senate Bill No. 1262 at 3:23 p.m.

Enrolled Senate Bill No. 1267 at 3:25 p.m.

Enrolled Senate Bill No. 1376 at 3:27 p.m.

Enrolled Senate Bill No. 1455 at 3:29 p.m.

Enrolled Senate Bill No. 1579 at 3:31 p.m.

Enrolled Senate Bill No. 375 at 3:33 p.m.

Enrolled Senate Bill No. 1233 at 3:35 p.m.

Enrolled Senate Bill No. 1082 at 3:37 p.m.

Enrolled Senate Bill No. 1118 at 3:39 p.m.

Enrolled Senate Bill No. 1119 at 3:41 p.m.

Enrolled Senate Bill No. 1253 at 3:43 p.m.

Enrolled Senate Bill No. 589 at 3:45 p.m.

Enrolled Senate Bill No. 1396 at 3:47 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 10, for her approval the following bills:

Enrolled Senate Bill No. 1486 at 4:13 p.m.
Enrolled Senate Bill No. 149 at 4:15 p.m.
Enrolled Senate Bill No. 150 at 4:17 p.m.
Enrolled Senate Bill No. 1377 at 4:19 p.m.
Enrolled Senate Bill No. 1378 at 4:21 p.m.
Enrolled Senate Bill No. 1578 at 4:23 p.m.
Enrolled Senate Bill No. 34 at 4:25 p.m.
Enrolled Senate Bill No. 212 at 4:27 p.m.
Enrolled Senate Bill No. 796 at 4:29 p.m.
Enrolled Senate Bill No. 889 at 4:31 p.m.
Enrolled Senate Bill No. 904 at 4:33 p.m.
Enrolled Senate Bill No. 1079 at 4:35 p.m.
Enrolled Senate Bill No. 1084 at 4:37 p.m.
Enrolled Senate Bill No. 1120 at 4:39 p.m.
Enrolled Senate Bill No. 1255 at 4:41 p.m.
Enrolled Senate Bill No. 1397 at 4:43 p.m.
Enrolled Senate Bill No. 77 at 4:45 p.m.
Enrolled Senate Bill No. 283 at 4:47 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, December 13, for her approval the following bills:

Enrolled Senate Bill No. 1482 at 10:58 a.m.
Enrolled Senate Bill No. 1056 at 11:00 a.m.
Enrolled Senate Bill No. 944 at 11:02 a.m.
Enrolled Senate Bill No. 1115 at 11:04 a.m.
Enrolled Senate Bill No. 1254 at 11:06 a.m.
Enrolled Senate Bill No. 1456 at 11:08 a.m.
Enrolled Senate Bill No. 1484 at 11:10 a.m.
Enrolled Senate Bill No. 1485 at 11:12 a.m.
Enrolled Senate Bill No. 223 at 11:14 a.m.
Enrolled Senate Bill No. 225 at 11:16 a.m.

By unanimous consent the Senate proceeded to the order of
Messages from the House

Senator Cropsey moved that rule 3.902 be suspended to allow an interpreter for the deaf admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 1527, entitled

A bill to amend 1933 PA 62, entitled "Property tax limitation act," by amending section 5i (MCL 211.205i), as amended by 2004 PA 391.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Switalski asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Switalski's statement is as follows:

I want to give the proper send-off to my chief of staff Jeff Minore, who has done an absolutely fantastic job for me and for the Appropriations Committee. I would like to present him with this signed state of Michigan seal and wish him well in his new job as the chief of staff for the House Minority Leader Rick Hammel. So I am very proud of him to have gotten that fantastic position, and I hope we will give him a good send-off and thank him for his work here.

Senate Bill No. 266, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 18a (MCL 252.318a), as amended by 2006 PA 448.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 395, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24c (MCL 211.24c), as amended by 2003 PA 247.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 879, entitled

A bill to regulate the use of signs advertising sexually oriented businesses; to provide for the powers and duties of certain state and local governmental officers and entities; to provide remedies; and to prescribe civil sanctions.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 883, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 14a.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1558, entitled

A bill to authorize the state administrative board to convey certain state-owned property in Genesee county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1564, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11102, 11107, 11118a, 11121, 11123, 11124, 11125, 11129, 11140, and 11153 (MCL 324.11102, 324.11107, 324.11118a, 324.11121, 324.11123, 324.11124, 324.11125, 324.11129, 324.11140, and 324.11153), section 11118a as added by 1996 PA 182 and section 11153 as amended by 2008 PA 403; and to repeal acts and parts of acts.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 192, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 678

Yeas—27

Allen	Cassis	Jansen	Patterson
Anderson	Cropsey	Jelinek	Prusi
Barcia	Garcia	Kahn	Richardville
Basham	George	Kuipers	Sanborn
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Nofs	Van Woerkom
Brown	Hardiman	Pappageorge	

Nays—8

Brater	Hunter	Scott	Thomas
Clark-Coleman	Jacobs	Switalski	Whitmer

Excused—2

Clarke	Olshove
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Cassis asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

I rise for the purpose of an explanation of Senate Bill No. 192. It's a very important issue that all of us who have dealt with the Michigan business tax have been aware of for a long time. We are taking a very important step today in correcting something called cascading or pyramiding of this tax. I would call it an unintended consequence. I would also call it something that I hope in the near future will be eliminated for all of our small businesses that create about 65 percent of all of our jobs in our state.

Cascading is something that happens when the same service is taxed over and over and over again. So today when you pass this and concur in it, it ensures that a joint venture may be able to subtract payments it makes to various contractors, management, architectural, and engineering services. Most importantly in many ways, it also deals with something we call the logistics industry, specialized freight trucking firms, trucking firms, general freight trucking firms, and the like to subtract subcontracting costs from their gross receipts base.

This will allow companies to stay in our state and allow people to continue to be employed and not lose their jobs, and importantly, not see a business run out of Michigan to Tennessee. That is an example of what we are preventing here today.

Thank you very much for your concurrence vote in this all-important economic future of Michigan.

Senate Bill No. 1091, entitled

A bill to amend 1965 PA 285, entitled "Professional investigator licensure act," by amending section 4 (MCL 338.824), as amended by 2008 PA 146.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 17, after "**FIRM**" by inserting "**ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S OR THE PUBLIC ACCOUNTING FIRM'S PROFESSIONAL PRACTICE**".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 679

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke	Olshove
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1126, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 305 (MCL 168.305), as amended by 2004 PA 287.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 680

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke	Olshove
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1320, entitled

A bill to authorize the state administrative board to convey certain state-owned property in Mason county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to authorize the state administrative board to convey certain state-owned property in various counties; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments in regard to the properties; and to provide for disposition of revenue derived from the conveyances.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 681

Yeas—34

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Basham	George	Kuipers	Scott
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Nofs	Switalski
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs		

Nays—1

Thomas

Excused—2

Clarke

Olshove

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 2007 PA 212.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 4, by striking out all of subdivision (I) and relettering the remaining subdivision.
2. Amend page 5, following line 13, by inserting:

"SEC. 11540A. (1) THE DEPARTMENT SHALL NOT PROMULGATE RULES UNDER THIS PART AFFECTING INERT MATERIALS BEFORE MARCH 1, 2011.

(2) THIS SECTION IS REPEALED MARCH 1, 2011."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11506 (MCL 324.11506), as amended by 2007 PA 212, and

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 682

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke	Olshove
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1150, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3).

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Senators Brown and McManus offered the following amendments to the substitute:

1. Amend page 3, line 1, by striking out all of page 3 through line 10 on page 8 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 9, line 9, by striking out all of section 203.

3. Amend page 10, line 21, by striking out all of line 21 through line 19 on page 16 and inserting:

“COLLEGES AND UNIVERSITIES

Sec. 606. The Western Michigan University Sangren hall replacement project was authorized in 2008 PA 278 and 2010 PA 111 with a total project cost of \$60,000,000.00; state building authority share \$11,699,800.00; Western Michigan University share \$48,300,000.00; and state general fund share \$200.00. Pursuant to section 246 of the management and budget act, 1984 PA 431, MCL 18.1246, the total authorized cost for the Western Michigan University Sangren hall replacement project is adjusted as follows: total authorized cost is unchanged at an amount not to exceed \$60,000,000.00, with the Western Michigan University share being decreased to \$30,000,000.00, the state building authority share being increased to \$29,999,800.00, and the state general fund/general purpose share being maintained at \$200.00.”.

The question being on the adoption of the amendments,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senate Bill No. 226, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 13p, 14f, and 14h of chapter XVII (MCL 777.13p, 777.14f, and 777.14h), section 13p as amended by 2008 PA 340, section 14f as added by 2002 PA 29, and section 14h as amended by 2008 PA 430.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 683

Yeas—35

Allen
Anderson

Clark-Coleman
Cropsey

Jansen
Jelinek

Richardville
Sanborn

Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Kahn
Kuipers
McManus
Nofs
Pappageorge
Patterson
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—2

Clarke

Olshove

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 5579

House Bill No. 6053

The motion prevailed.

The following bill was read a third time:

House Bill No. 5579, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” (MCL 780.751 to 780.834) by adding section 16b.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 2, following line 18, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2011.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 684

Yeas—35

Allen
Anderson
Barcia
Basham

Clark-Coleman
Cropsey
Garcia
George

Jansen
Jelinek
Kahn
Kuipers

Richardville
Sanborn
Scott
Stamas

Birkholz
Bishop
Brater
Brown
Cassis

Gilbert
Gleason
Hardiman
Hunter
Jacobs

McManus
Nofs
Pappageorge
Patterson
Prusi

Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—2

Clarke

Olshove

Not Voting—0

In The Chair: Sanborn

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6053, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224d (MCL 750.224d), as amended by 2006 PA 401.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 685

Yeas—35

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Clark-Coleman
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—2

Clarke

Olshove

Not Voting—0

In The Chair: Sanborn

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 1493, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 521a (MCL 436.1521a), as added by 2006 PA 501.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1499, entitled

A bill to amend 1885 PA 152, entitled “An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules,” by amending section 11 (MCL 36.11), as amended by 1982 PA 391.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1525, entitled

A bill to amend 2009 PA 75, entitled “Mortgage loan originator licensing act,” by amending sections 3 and 29 (MCL 493.133 and 493.159).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 470, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 1029.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor

traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," (MCL 436.1101 to 436.2303) by adding section 1030.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 686

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke Olshove

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 825, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 640 (MCL 500.640), as amended by 1992 PA 182.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "I" by inserting "TITLE INSURANCE".
2. Amend page 2, line 4, after "A" by inserting "TITLE INSURANCE".
3. Amend page 2, line 12, after "I" by inserting "TITLE INSURANCE".
4. Amend page 2, line 24, after "A" by inserting "TITLE INSURANCE".

5. Amend page 2, line 27, after “**SUBSECTION (3).**” by inserting “**AN INSURER DESCRIBED IN SUBSECTION (3)(A) TO (C) SHALL NOT EXPOSE ITSELF TO ANY LOSS ON ANY 1 TITLE INSURANCE RISK OR HAZARD IN AN AMOUNT EXCEEDING 50% OF ITS PAID-UP CAPITAL AND SURPLUS.**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 687

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke Olshove

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1528, entitled

A bill to amend 1975 PA 169, entitled “Charitable organizations and solicitations act,” by amending the title and sections 2, 3, 5, 7, 11, 13, 16, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.275, 400.277, 400.281, 400.283, 400.286, 400.288, 400.290, 400.291, and 400.293), section 2 as amended by 2010 PA 196, section 3 as amended by 2008 PA 424, and section 13 as amended by 1992 PA 299, and by adding sections 17a, 23a, and 23b; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 688**Yeas—35**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0**Excused—2**

Clarke

Olshove

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1509, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as added by 2009 PA 205.

The House of Representatives has amended the bill as follows:

1. Amend page 3, following line 4, by inserting:

"(3) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL CONTINUE TO CONDUCT THE EVALUATIONS FOR SCHOOL PRINCIPALS THAT ARE CURRENTLY REQUIRED BY THE DEPARTMENT THROUGH THE 2010-2011 SCHOOL YEAR. AT THE END OF THE 2010-2011 SCHOOL YEAR, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL REPORT THE MOST RECENTLY COMPLETED OR DETERMINED "EFFECTIVENESS LABEL" FROM THAT EVALUATION FOR EACH PRINCIPAL WHO IS IN PLACE FOR 2010-2011, IN A FORM AND MANNER PRESCRIBED BY THE DEPARTMENT."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 689**Yeas—33**

Allen	Cropsey	Jansen	Richardville
Anderson	Garcia	Jelinek	Sanborn

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Kahn
Kuipers
McManus
Nofs
Pappageorge
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—1

Patterson

Excused—2

Clarke

Olshove

Not Voting—1

Barcia

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Thomas moved that Senator Barcia be temporarily excused from the balance of today's session.
The motion prevailed.

Senate Bill No. 138, entitled

A bill to amend 2006 PA 317, entitled "An act to create certain centers in the Michigan strategic fund; to impose certain duties and responsibilities on those centers and on certain state employees and public employees; and to repeal acts and parts of acts," by amending the title and section 2 (MCL 125.1972); and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.
The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 715, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 154 (MCL 280.154).
The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1100, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1, 5, 5c, 5d, and 9 (MCL 722.111, 722.115, 722.115c, 722.115d, and 722.119), section 1 as amended by 2009 PA 155, section 5 as amended by 2007 PA 218, section 5c as amended by 2006 PA 580, section 5d as added by 2005 PA 133, and section 9 as added by 2002 PA 674.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1101, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 4, 5, and 13 (MCL 400.704, 400.705, and 400.713), sections 4 and 5 as amended by 1996 PA 194 and section 13 as amended by 2004 PA 281.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1102, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20102, 20104, and 21313 (MCL 333.20102, 333.20104, and 333.21313), section 20102 as amended by 1990 PA 179.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1135, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2008 PA 495.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1402, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1464, entitled

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds;

to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 2 (MCL 247.62).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1409, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 560.

The House of Representatives has passed the bill, ordered that the bill be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1410, entitled

A bill to establish the girl scouts of Michigan fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1529, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 293, 294, 295, 296, and 297 (MCL 18.1293, 18.1294, 18.1295, 18.1296, and 18.1297).

The House of Representatives has passed the bill, ordered that the bill be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The President pro tempore, Senator Richardville, assumed the Chair.

Senate Bill No. 1577, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14a of chapter XVII (MCL 777.14a), as added by 2002 PA 29.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Cropsey moved that the enrollment be vacated.

The motion prevailed.

Senator Cropsey moved to reconsider the vote by which the bill was given immediate effect.

The motion prevailed, as majority of the members serving voting therefor.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:25 p.m.

12:58 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senators Barcia and Olshove entered the Senate Chamber.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

House Bill No. 5614, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196, and by adding sections 9122, and 17819; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 2, following line 1, by striking out all of subsection (3).

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the House amendment made to the Senate substitute,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 690**Yeas—35**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Olshove	Van Woerkom
Brown	Hunter	Pappageorge	Whitmer
Cassisi	Jacobs	Prusi	

Nays—0

Excused—1

Clarke

Not Voting—1

Patterson

In The Chair: Sanborn

Senator Cropsey moved that Senator Patterson be excused from the balance of today's session.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Cropsey moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Resolution No. 168

Senate Resolution No. 169

Senate Concurrent Resolution No. 48

The motion prevailed.

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 61.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, December 15, 2010, it stands adjourned until Wednesday, December 29, 2010, at 11:00 a.m. for the House of Representatives and 11:30 a.m. for the Senate; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 29, 2010, it stands adjourned without day.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The concurrent resolution was adopted.

Senators Allen, Birkholz, Cassis, Gleason, Hardiman and Pappageorge were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 60.

A concurrent resolution providing for the final adjournment of the Legislature.

(For text of resolution, see Senate Journal No. 97, p. 2165.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Cropsey moved when the Senate adjourns today, it stand adjourned until Wednesday, December 29, at 11:30 a.m.; and when the Senate adjourns on Wednesday, December 29, it stand adjourned without day.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:10 p.m.

1:20 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

Senate Bill No. 1037, entitled

A bill to license and regulate professional employer organizations; to define certain relationships and allocate certain rights and duties between those relationships; to provide for certain powers and duties for state agencies; to impose certain fees and provide for certain security devices; and to provide for penalties and remedies.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1038, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 13m.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 691

Yeas—35

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Nofs	Thomas
Brater	Hardiman	Olshove	Van Woerkom
Brown	Hunter	Pappageorge	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1081, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending sections 2, 3, 4, 5, and 12 (MCL 125.2152, 125.2153, 125.2154, 125.2155, and 125.2162), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 4 as amended by 2005 PA 15, and by adding sections 12c and 12d.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending section 2 (MCL 125.2152), as amended by 2009 PA 162.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 692**Yeas—32**

Allen
 Anderson
 Barcia
 Basham
 Birkholz
 Bishop
 Brater
 Brown

Clark-Coleman
 Cropsey
 Garcia
 Gleason
 Hardiman
 Hunter
 Jacobs
 Jansen

Jelinek
 Kahn
 Kuipers
 McManus
 Nofs
 Olshove
 Pappageorge
 Prusi

Richardville
 Sanborn
 Scott
 Stamas
 Switalski
 Thomas
 Van Woerkom
 Whitmer

Nays—3

Cassis

George

Gilbert

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1013, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 40110a, 43528a, and 43540d; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 693**Yeas—35**

Allen
 Anderson
 Barcia
 Basham
 Birkholz
 Bishop
 Brater
 Brown
 Cassis

Clark-Coleman
 Cropsey
 Garcia
 George
 Gilbert
 Gleason
 Hardiman
 Hunter
 Jacobs

Jansen
 Jelinek
 Kahn
 Kuipers
 McManus
 Nofs
 Olshove
 Pappageorge
 Prusi

Richardville
 Sanborn
 Scott
 Stamas
 Switalski
 Thomas
 Van Woerkom
 Whitmer

Nays—0**Excused—2**

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to consideration of the message on the following bill:

Senate Bill No. 1150, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

(This bill was returned from the House with a substitute earlier today, rules suspended, amendments offered and consideration postponed. See p. 2181.)

The question being on the adoption of the amendments to the House substitute offered by Senators Brown and McManus,

Senator Switalski moved that consideration of the amendments be postponed temporarily.

The motion did not prevail.

The question being on the adoption of the amendments,

The amendments to the substitute were adopted.

Senator Prusi offered the following amendment to the substitute:

1. Amend page 3, line 1, by inserting:

**“Sec. 103. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY
 PLANNING AUTHORIZATIONS**

Michigan Technological University - next generation energy complex - for program and planning to be paid for from university resources (estimated total authorized cost

\$29,500,000; state share \$22,125,000; university share \$7,375,000)..... \$ 100

GROSS APPROPRIATION \$ 100

Appropriated from:

State general fund/general purpose \$ 100”

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was not adopted.

Senator Clark-Coleman offered the following amendment to the substitute:

1. Amend page 3, line 1, by inserting:

**“Sec. 103. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY
 PLANNING AUTHORIZATIONS**

Wayne County Community College - eastern campus facility upgrade and site redevelopment project - for program and planning to be paid for from community college resources

(estimated total authorized cost \$16,000,000; state share \$8,000,000; community college share \$8,000,000) \$ 100

GROSS APPROPRIATION \$ 100

Appropriated from:

State general fund/general purpose \$ 100”

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was not adopted.

Senator Brater offered the following amendment:

1. Amend page 3, line 1, by inserting:

**“Sec. 103. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY
 PLANNING AUTHORIZATIONS**

Eastern Michigan University - Strong hall renovation - for program and planning to be paid for from university resources (estimated total authorized cost \$38,000,000; state share

\$28,500,000; university share \$9,500,000)..... \$ 100

GROSS APPROPRIATION \$ 100

Appropriated from:

State general fund/general purpose \$ 100”
and adjusting the subtotals, totals, and section 201 accordingly.
The amendment to the substitute was not adopted.

Senators McManus and Switalski offered the following amendments to the substitute:

1. Amend page 3, line 1, by inserting:

**“Sec. 103. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY
PLANNING AUTHORIZATIONS**

Eastern Michigan University - Strong hall renovation - for program and planning to be paid for from university resources (estimated total authorized cost \$38,000,000; state share \$10,000,000; university share \$28,000,000)..... \$ 100
Michigan Technological University - next generation energy complex - for program and planning to be paid for from university resources (estimated total authorized cost \$29,500,000; state share \$11,000,000; university share \$18,500,000)..... 100
Oakland Community College - interior renovation/building addition - building A - Auburn Hills campus - for program and planning to be paid for from community college resources (estimated total authorized cost \$32,065,000; state share \$5,000,000; community college share \$27,065,000)..... 100
Wayne County Community College - eastern campus facility upgrade and site redevelopment project - for program and planning to be paid for from community college resources (estimated total authorized cost \$16,000,000; state share \$4,000,000; community college share \$12,000,000) 100”.

2. Amend page 7, line 8, by striking out “2,000” and inserting “400” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 7, line 9, by striking out all of section 104.

4. Amend page 10, line 21, by striking out all of line 21 through line 19 on page 16 and inserting:

“COLLEGES AND UNIVERSITIES

Sec. 606. The Western Michigan University Sangren hall replacement project was authorized in 2008 PA 278 and 2010 PA 111 with a total project cost of \$60,000,000.00; state building authority share \$11,699,800.00; Western Michigan University share \$48,300,000.00; and state general fund share \$200.00. Pursuant to section 246 of the management and budget act, 1984 PA 431, MCL 18.1246, the total authorized cost for the Western Michigan University Sangren hall replacement project is adjusted as follows: total authorized cost is unchanged at an amount not to exceed \$60,000,000.00, with the Western Michigan University share being decreased to \$30,000,000.00, the state building authority share being increased to \$29,999,800.00, and the state general fund/general purpose share being maintained at \$200.00.”.

The amendments to the substitute were not adopted.

Senator Switalski requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 694

Yeas—16

Anderson	Clark-Coleman	Jacobs	Scott
Barcia	Garcia	McManus	Switalski
Basham	Gleason	Olshove	Thomas
Brater	Hunter	Prusi	Whitmer

Nays—19

Allen	Cropsey	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	Nofs	Van Woerkom
Cassis	Jansen	Pappageorge	

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

Senators McManus and Switalski offered the following amendments to the substitute:

1. Amend page 3, line 1, by inserting:

**“Sec. 103. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY
PLANNING AUTHORIZATIONS**

Eastern Michigan University - Strong hall renovation - for program and planning to be paid for from university resources (estimated total authorized cost \$38,000,000; state share \$8,000,000; university share \$30,000,000).....	\$	100
Michigan Technological University - next generation energy complex - for program and planning to be paid for from university resources (estimated total authorized cost \$29,500,000; state share \$6,000,000; university share \$23,500,000)		100
Oakland Community College - interior renovation/building addition - building A - Auburn Hills campus - for program and planning to be paid for from community college resources (estimated total authorized cost \$32,065,000; state share \$4,000,000; community college share \$28,065,000).....		100
Wayne County Community College - eastern campus facility upgrade and site redevelopment project - for program and planning to be paid for from community college resources (estimated total authorized cost \$16,000,000; state share \$3,000,000; community college share \$13,000,000)		100”.

2. Amend page 7, line 8, by striking out “2,000” and inserting “400” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 7, line 9, by striking out all of section 104.

4. Amend page 10, line 21, by striking out all of line 21 through line 19 on page 16 and inserting:

“COLLEGES AND UNIVERSITIES

Sec. 606. The Western Michigan University Sangren hall replacement project was authorized in 2008 PA 278 and 2010 PA 111 with a total project cost of \$60,000,000.00; state building authority share \$11,699,800.00; Western Michigan University share \$48,300,000.00; and state general fund share \$200.00. Pursuant to section 246 of the management and budget act, 1984 PA 431, MCL 18.1246, the total authorized cost for the Western Michigan University Sangren hall replacement project is adjusted as follows: total authorized cost is unchanged at an amount not to exceed \$60,000,000.00, with the Western Michigan University share being decreased to \$30,000,000.00, the state building authority share being increased to \$29,999,800.00, and the state general fund/general purpose share being maintained at \$200.00.”.

The question being on the adoption of the amendments,

Senator Switalski requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 695**Yeas—16**

Anderson
Barcia
Basham
Brater

Clark-Coleman
Garcia
Gleason
Hunter

Jacobs
McManus
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—19

Allen
Birkholz

Cropsey
George

Jelinek
Kahn

Richardville
Sanborn

Bishop
Brown
Cassis

Gilbert
Hardiman
Jansen

Kuipers
Nofs
Pappageorge

Stamas
Van Woerkom

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the House substitute, as amended,
The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 696

Yeas—17

Allen
Birkholz
Brown
Cropsey
Garcia

George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
McManus
Nofs

Richardville
Stamas
Van Woerkom
Whitmer

Nays—18

Anderson
Barcia
Basham
Bishop
Brater

Cassis
Clark-Coleman
Gleason
Hunter
Jacobs

Kuipers
Olshove
Pappageorge
Prusi

Sanborn
Scott
Switalski
Thomas

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

Senator Cropsey moved to reconsider the vote by which the House substitute was not concurred in.
The motion prevailed.
The question being on concurring in the House substitute, as amended,
The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 697**Yeas—15**

Barcia
Birkholz
Brown
Garcia

George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
McManus
Nofs

Stamas
Van Woerkom
Whitmer

Nays—20

Allen
Anderson
Basham
Bishop
Brater

Cassis
Clark-Coleman
Cropsey
Gleason
Hunter

Jacobs
Kuipers
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Scott
Switalski
Thomas

Excused—2

Clarke

Patterson

Not Voting—0

In The Chair: Sanborn

Senator Brown moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was not concurred in.

The motion did not prevail, a majority of the members serving not voting therefor.

The President pro tempore, Senator Richardville, resumed the Chair.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, December 8, 2010, at 2:00 p.m., Room H-65, Capitol Building

Excused: Senators Clarke and McManus

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 2:04 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, December 29, 2010, at 11:30 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate